

EXHIBIT “B”

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF HAWAII

3 DAVID DEMAREST and GREEN) Civil No.
4 MOUNTAIN MYCOSYSTEMS LLC,) 22-CV-00064 JAO KJM

5 Plaintiffs,)

6 v.)

7 RAIED J. ALFOUADI; UNNAMED)
8 SAILING VESSEL in rem, Hull)
9 No. HA 6874 H; DOE)
10 DEFENDANTS 1-20, DOE)
11 CORPORATIONS 1-20, DOE)
12 GOVERNMENT AGENCIES 1-20,)
13 DOE PARTNERSHIPS 1-20,)

14 Defendants.)
15 -----)

16 ZOOM DEPOSITION OF

17 CORY FERNANDEZ

18 Taken on behalf of the Plaintiffs via Zoom,
19 commencing at 1:00 p.m. on Wednesday, March 20, 2024,
20 pursuant to Notice.
21
22

23 Reported by:

24 KATE McALPINE, RPR, CSR NO. 537
25 Certified Shorthand Reporter

1 CORY FERNANDEZ,
2 the witness hereinbefore named, being first duly
3 cautioned and sworn to testify the truth, the whole
4 truth, and nothing but the truth, testified under oath
5 as follows:

6 DIRECT EXAMINATION

7 BY MR. WASHKOWITZ:

8 Q. Good afternoon, Mr. Fernandez. My name is
9 Jared Washkowitz. I'm the attorney for a plaintiff in
10 a lawsuit that's pending in federal court.

11 Let's start by having you state your full name
12 for the record.

13 A. My name is Corey Alan Fernandez.

14 Q. And are you currently an officer with DOCARE
15 branch of DLNR?

16 A. Yes, I am, with the Maui branch.

17 Q. Okay. And you reside in Maui as well?

18 A. Yes, I do.

19 Q. And were you with the DOCARE Maui branch back
20 in 2022 as well?

21 A. Yes.

22 Q. And -- and how long have you worked in that
23 position?

24 A. I've been with DOCARE for about four years and
25 some change.

1 If I'm asking you to tell me how long is the
2 desk in my office, that would be a pure guess because
3 you've never been to my office or you -- you don't
4 know.

5 So, basically, estimating is -- is, you know,
6 based on past information that you have, or as a
7 guess, you don't have any basis, really. Do you
8 understand that?

9 A. I do.

10 Q. Okay. You will have the chance, if you want
11 to review your deposition transcript when the
12 deposition is completed and transcribed. Normally
13 we'll -- if -- if you make substantive changes to the
14 deposition transcript we can comment on that at trial.
15 For example, if it's like a traffic case and you
16 testified at the deposition that the traffic light was
17 red, and then when you reviewed your deposition you
18 changed it and said it was green, that's a substantive
19 change and we can comment at trial and ask why you
20 changed your answer in a substantive way.

21 So the point is, try to give your best and
22 most accurate testimony today at the deposition. Do
23 you understand that?

24 A. Yes, sir.

25 Q. Do you -- do you recall being on the scene of

1 a salvage or a boat removal operation back at Mala

2 Wharf in January 2022?

3 A. I do.

4 Q. Okay. And that's what we're here to talk
5 about for the most part today. Is there anything that
6 would prevent you from testifying about that today,
7 any reason why you can't give your best testimony as
8 to that incident?

9 A. No.

10 Q. Other than the fact --

11 A. Other than the short notice.

12 Q. Right.

13 A. Yeah, other than the short notice and --

14 (audio distortion.)

15 Q. Right. And thank you for making the time to
16 accommodate us. Appreciate that. Have you -- I know
17 it's pretty short, but have you had a chance to review
18 any of your notes or documents related to that
19 incident back in January 2022 prior to today?

20 A. I was just able to review my report and all
21 the attachments that were on the report.

22 Q. Okay. And do you-- do you have a copy of that
23 report that you're able to --

24 A. I -- I -- I do.

25 Q. Okay. And when -- when was that report

1 Q. Okay. And what -- can you just describe what
2 your role is as the -- a DOCARE officer on Maui?

3 A. Well, as a DOCARE officer we're conservation
4 law enforcement officers so we regulate the hunting
5 and finishing rules, we enforce the boating rules and
6 all of the divisions under DLNR.

7 Q. And as part of your training to become a
8 DOCARE officer are you tasked with being up to speed
9 on the applicable regulations and laws related to
10 boating and -- and those areas?

11 A. Yes. There is a lot of rules, yes.

12 Q. Are -- are -- as -- as a DOCARE officer, do
13 you have any responsibility for recommending or
14 determining whether fines should be issued in the case
15 of reef damage, where there's a vessel around? Is
16 that your role?

17 A. We document evidence it and then send it up
18 the chain, but as far as recommending, I don't know.

19 Q. Do you know who or -- or what party of the
20 agency is responsible for -- for that, for assessing
21 whether there should be a fine imposed or not for reef
22 damage?

23 A. I know the Division of Aquatic Resources does
24 the -- they see the area, they check the corals and
25 stuff. But as far as who does the fines, I don't

1 know.

2 Q. Do you recall how many -- well, I asked you
3 earlier if -- if you recall the general incident back
4 in January of 2022 involving a vessel that was washed
5 up by the Mala Wharf, right? You remember that?

6 A. Yes, it was a grounded vessel.

7 Q. Do you -- do you remember how many -- on how
8 many separate occasions you attended the scene of
9 that, the vessel aground?

10 A. That specific scene, how many times I went
11 there?

12 Q. Yeah. Like, was it just -- you just went one
13 day, or did you go back multiple days? Do you
14 remember?

15 A. I don't.

16 Q. You don't recall?

17 A. I don't -- I don't know.

18 Q. But you -- you definitely were there at least
19 one day, correct?

20 A. Correct.

21 Q. Do you remember what caused you or how you
22 became notified of the situation in the first place?

23 A. Yes. I was assigned the case.

24 Q. Who assigned you the case?

25 A. My lieutenant.

1 Q. And what's your lieutenant's name or was the
2 lieutenant's name at that time?

3 A. Lieutenant Ron Keo {phonetic}.

4 Q. And do you remember, did he just call you, or
5 was it like an email, how does that work?

6 A. We get calls. So if we're assigned a case we
7 get a call.

8 Q. Do you remember what the gist of the call was?

9 A. I don't remember, no.

10 Q. Do you recall how long it was after you got
11 the call from your lieutenant that you actually
12 responded to the scene by Mala Wharf?

13 A. I do not.

14 Q. Was it a same day?

15 A. It was the same day.

16 Q. Do you remember if -- when you got to the
17 scene at Mala Wharf, if it was like daytime or
18 nighttime?

19 A. Can I reference my report?

20 Q. Yeah, you can.

21 A. Okay. Okay.

22 Q. Yeah, if referencing your report helps you
23 remember any of this, feel free.

24 A. Okay. So, per my report, I was assigned the
25 case at 1900 hours and I arrived on scene at

1 1925 hours.

2 Q. What was the date? Does it have a date on
3 your report?

4 A. The date is -- yes. 1/2/2022.

5 Q. And do you recall or -- either recall
6 independently or from referencing your report, what
7 happened when you got on the scene on January 2nd,
8 that first day?

9 A. So I arrived on scene, I made checks of the
10 area, observed the vessel grounded at the scene, I
11 displayed the vessel. I observed the vessel
12 displaying the registration number and current
13 registration decals. I observed a big hole in the
14 hull of the vessel and debris surrounding the vessel
15 and that's --

16 MS. SWENSON: Sorry, Officer.

17 I'm going to object here. I don't want
18 Officer Fernandez just reading from his report. In
19 his -- you know, you will have his report soon and it
20 speaks for itself. I'd like his deposition to be from
21 his personal memory.

22 MR. MYHRE: But if his report refreshes
23 his memory, I mean he can talk about the --

24 MS. SWENSON: Yeah, he can look at it but
25 he's reading from it right now.

1 doing when you first observed them?

2 A. Looking at the vessel.

3 Q. Can you describe, you know, you said -- you
4 said you came on the scene, you observed the vessel,
5 you observed -- you observed Raied and David at the
6 scene. What happened next? What else happened while
7 you were there?

8 A. Then after that, I made contact with Raied and
9 Dave. Raied told me he was the vehicle owner, or the
10 vessel owner. Told me that his vessel was anchored
11 and that the anchor line broke, which caused it to run
12 aground.

13 Q. Do you recall any of your conversations with
14 Mr. David Demarest on that first day?

15 A. No.

16 Q. Do you recall --

17 A. Well, David did tell me that he was the -- the
18 salvager.

19 Q. Okay. Well, what was that conversation like?
20 Did you -- did you ask him what was happening or how
21 -- how did he come to tell you that he was the
22 salvager?

23 A. I don't remember how that came about, but
24 David did tell me that he was taking care of the
25 salvage through his company. And that he related at

1 A. I don't -- go ahead.

2 THE WITNESS: Danica, am I good to
3 answer?

4 MS. SWENSON: Yes.

5 A. Okay. I don't remember.

6 BY MR. WASHKOWITZ:

7 Q. How long did you stay on the scene on
8 January 2nd?

9 A. I don't remember.

10 Q. Do you have any recollection or does your
11 report reflect that at any time on January 2nd
12 Mr. Alfouadi objected or opposed Mr. Demarest's
13 statement that he was the salvager?

14 MR. MYHRE: I'm going to object the
15 question that it assumes facts not in evidence that
16 Mr. Alfouadi ever even heard him say that.

17 BY MR. WASHKOWITZ:

18 Q. You can answer the question.

19 A. Can you repeat the question?

20 Q. Do you have any recollection of Mr. Alfouadi
21 on January 2nd opposing Mr. Demarest's statement that
22 he was the salvager?

23 MR. MYHRE: I'm going to again object to
24 the question assuming facts not in evidence that
25 Mr. Alfouadi had ever heard Mr. Demarest make such a

1 the scene, did you take any notes on that day?

2 A. Yes.

3 Q. On January 2nd when you attended the scene,
4 did you take any photographs that day, if you
5 remember?

6 A. Well, I'm looking at my photo report and I
7 have some pictures of the vessel at night.

8 Q. Does that help you identify if you took those
9 pictures either on January 2nd, January 5th, or
10 January 7th?

11 A. If I answer, I'll be guessing, so I don't
12 remember.

13 Q. Okay. And then, what -- what times -- do your
14 notes say what times you were at the vessel site on
15 January 5th and January 7th?

16 A. I don't remember. I don't have my -- that
17 notes in front of me. I believe there was -- yeah, I
18 don't have that notes in front of me.

19 Q. Does your report indicate what times you were
20 with the vessel on January 5th or January 7th?

21 A. On January 5th and January 7th?

22 Q. Yeah.

23 A. Okay. So on January 5th -- on January 5th at
24 0700 hours and January 7th at 0830 hours, and that's
25 approximate for both times.

1 Q. Understood. Do the notes or reports say when
2 you left or just when you got there?

3 A. When I got there.

4 Q. Do you recall how long you were -- you stayed
5 onsite each time? Was it all day or just --

6 A. I don't remember.

7 Q. Do you have any estimate of how long you would
8 have been onsite on January 5th or January 7th? Was
9 it like half a day or ten minutes or a couple hours?

10 MS. SWENSON: Objection. Asked and
11 answered.

12 BY MR. WASHKOWITZ:

13 Q. Yeah, I -- I'm not clear on your answer yet.
14 You can estimate. I know -- I'm not going to hold you
15 to the exact. I'm just trying to figure out if, on
16 January 5th, were you there. You arrived at
17 approximately 0700. Were you there all day or were
18 you just there for like ten minutes or --

19 A. I was not there all day. I believe less than
20 an hour. If I'm estimating I would say even less than
21 30 minutes. I was just there to check on the vessel,
22 salvaging, see how it's going, and then I left.

23 THE STENOGRAPHER: Part of that answer
24 cut out. I'm sorry, can I have the -- the witness
25 repeat his answer, please.

1 A. So I said less than an hour. And then I said
2 even less than 30 minutes. My task was to go there,
3 check on the vessel, the salvaging, and leave.

4 MR. WASHKOWITZ:

5 Q. And then same question for January 7th. You
6 say approximately you got there 0830. 0830. Do you
7 recall if you were there the same, like an hour, half
8 an hour, or was it longer?

9 A. About the same.

10 Q. Okay. And then other than January 2nd,
11 January 5th, and January 7th, those were the only
12 three times that you were actually there on the scene
13 with the vessel, correct?

14 A. Per my report, yes.

15 Q. And then on -- on January 2nd -- that first
16 day you arrived and you -- you spoke with Mr. Alfouadi
17 and Mr. Demarest, did -- did you do anything else
18 other than observe the situation and -- and talk to
19 Mr. Demarest and Mr. Alfouadi that night?

20 MS. SWENSON: Object. Vagueness.

21 You can still answer if you can, Cory.

22 A. Okay. So it says that I contacted DOBOR. No
23 one answered so I left a message.

24 BY MR. WASHKOWITZ:

25 Q. And is that --

1 A. That's was at -- yes, that's in my report at
2 about 2030 hours.

3 Q. Okay.

4 A. And DOBOR is -- go ahead. Sorry.

5 Q. No, you go ahead. Finish. DOBOR is?

6 A. DOBOR is the boarding division of the DLNR.

7 Q. I'm going to share the screen and show you
8 what's been marked as our Exhibit A to your
9 deposition.

10 (Exhibit A marked for identification.)

11 BY MR. WASHKOWITZ:

12 Q. Can you see that?

13 A. Yes, I can. It -- it's small. I'm on my
14 phone so it's a little small but I -- I can see it.

15 Q. Okay. Are these notes that you took?

16 A. Yes, that's my handwriting.

17 Q. Do you know which date you made these notes?
18 Was it January 2nd, January 5th, January 7th? Do you
19 know?

20 A. I don't -- I don't remember. It looks like on
21 the day of the boarding.

22 Q. So that first day?

23 A. Yeah.

24 Q. Okay. And then you see at the top where it
25 says David Demarest?

1 A. Yes.

2 Q. And then it says manager director, do you know
3 what you meant by that?

4 A. Well, speaking from my notes it looks like
5 David and his phone number, there's an arrow, and in my
6 report it also says that he's salvaging the company
7 through -- he's salvaging the vessel through his company
8 Green Mountain Mycosystems, so...

9 Q. Okay. And then down below it says
10 Raied Alfouadi and below that it says start salvage. Is
11 that what that says, start salvage?

12 A. Yes.

13 Q. Okay. And then can you -- can you just run
14 through what these other notes mean on the record?

15 A. So below start salvage? Sorry, Jared, your
16 talking about below start salvage?

17 Q. Yeah, yeah.

18 A. Okay.

19 Q. Start it off where it says: Took off all
20 hazmat.

21 A. Okay. So, took all hazmat, that's just pretty
22 much asking what kinds of hazmat's on there and they
23 took it all off. That's there two gel batteries,
24 they're fully screwed or fully sealed. No gas on
25 boat. WD-40, five gallon, that's all the hazmat that

1 was on the container -- or that was on the vessel.

2 And: Below happened at 3:30 p.m., anchored in
3 front of Mala Restaurant. I believe that says, I'm
4 not too sure.

5 And then: No one onboard, anchor line snapped
6 or out. Waves/wind a factor. Meaning that, yeah,
7 waves and wind was a factor in the vessel running
8 aground.

9 Q. And what -- do -- do you remember when you
10 responded to the scene on January 2nd what the wind
11 and waves were like at that time?

12 A. I don't but I couldn't see the waves, it was
13 dark. The wind I don't remember.

14 Q. Okay. And these notes were -- did you make
15 these notes while you were on the scene there with the
16 boat or after the fact?

17 A. I'd be guessing at this point, so I don't
18 remember.

19 Q. Do you know who took this picture of your
20 notes?

21 A. I don't remember. I'm sorry, hold on. My
22 phone battery looks like it's dying.

23 Q. No problem.

24 MS. SWENSON: Do you have a charger near
25 you, Cory?

1 knowledge as to the coral reef situation in that area,
2 correct?

3 A. No.

4 Q. And then, when you first responded to the
5 scene on January 2nd, was there any, like, debris all
6 over the place or on the beach or can you just
7 describe what the general scene looked like?

8 A. I don't remember what the general scene looked
9 like, but, per my report, I put that there was debris
10 surrounding the vessel.

11 Q. Okay. Did -- did you describe what kind of
12 debris or is it just like a general statement?

13 A. General statement.

14 Q. And then when you went back to the vessel on
15 January 5th, was that based on somebody's request or
16 were you just checking up on everything on your own?

17 A. I was making follow-up checks on my own.

18 Q. Do you recall when you -- I think you
19 testified earlier that you got there about 0700 and
20 stayed maybe like 30 minutes or an hour. Do you
21 recall or do your notes indicate who was there when
22 you arrived on scene?

23 A. Yes, on my report it says that Demarest was on
24 scene.

25 Q. Did it mention anybody else or just him?

1 A. No, just Demarest.

2 Q. Do you recall any conversations you had with
3 Mr. Demarest on that day?

4 A. That day he related that they removed the two
5 gel batteries from the ocean.

6 Q. Okay. Do you recall whether it looked like
7 progress was being made between when you first came in
8 on January 2nd to that second visit on January 5th as
9 far as the salvage operation?

10 A. I don't remember.

11 Q. Did you -- do you recall expressing any
12 concerns to Mr. Demarest on January 5th regarding how
13 the operation was going or anything like that?

14 A. I don't remember.

15 Q. Do you recall any other conversations with
16 Mr. Demarest on that day?

17 A. I don't remember.

18 Q. What -- what was the weather like on that day,
19 do you remember?

20 A. I don't remember.

21 Q. Was the vessel on January 5th in the same
22 location it was in when you first came on the scene on
23 January 2nd?

24 A. I don't remember.

25 Q. And then the next time you came back to the

1 vessel was January 7th, correct?

2 A. Correct.

3 Q. And I think you said about 0830 and you were
4 there --

5 A. Correct.

6 Q. Yeah, okay. And you were there, like,
7 30 minutes to an hour?

8 A. It's -- it's an estimate. Around there.
9 Maybe less than 30 minutes maybe. Around there.

10 Q. Okay. Understood that that's an estimate. Do
11 you -- do you recall or do your notes indicate who was
12 present during that time you came to the vessel?

13 A. Yes, Demarest was present.

14 Q. Was anybody else present?

15 A. No.

16 Q. Was -- do you recall any conversations or do
17 your notes indicate that you had any conversations
18 with Mr. Demarest on January 7th, and if so, what was
19 it regarding?

20 A. So it was regarding the -- the vessel debris.
21 So Demarest related that the majority of the vessel
22 debris was out of the ocean and the only thing in the
23 ocean was a keel and a -- the outboard motor and that
24 there was no fuel in the motor. So it was just, yeah,
25 the outboard motor and a keel that was left that was

1 thing printed out for me.

2 MR. WASHKOWITZ: Okay. We'll take like a
3 five-minute break, guys, and the we'll come back in
4 like five minutes.

5 MR. MYHRE: That's fine. Appreciate it.

6 (Recess.)

7 BY MR. WASHKOWITZ:

8 Q. All right. I'm gonna share a screen now that
9 we have your report.

10 MR. MYHRE: Are you going to mark it as
11 an exhibit?

12 MR. WASHKOWITZ: Yeah, I'm just going to
13 mark it Exhibit H. Well, why didn't we call this
14 Exhibit B since the first one was Exhibit A. So we'll
15 just call this Exhibit B. In the shared folder I have
16 it as Exhibit H but we'll mark this as Exhibit B.

17 (Exhibit B marked for identification.)

18 BY MR. WASHKOWITZ:

19 Q. So Mr. Fernandez, this is the report you were
20 talking about earlier?

21 A. Is that -- can you scroll up real quick?

22 That's the report.

23 Q. Okay. And then I just want to point you
24 to -- let's see, okay. You said that -- do you see
25 where I'm scrolling down here? Let me see if I can

1 A. I don't remember.

2 BY MR. WASHKOWITZ:

3 Q. And your -- looks like you have some
4 attachments to your report, including some emails from
5 Mr. Demarest. So I'm gonna -- we'll look at those,
6 but first I'm scrolling down and there's a bunch of
7 photos here that you can see labeled 1, 2, 3, 4. Are
8 -- are these photos you took?

9 A. Yes. These are photos I took.

10 Q. And this was taken on that first day when you
11 responded to the scene, right?

12 A. I -- I believe so. I don't remember.

13 Q. Okay. And then there's also photos 5, 6, 7,
14 8. Do you have any recollection of when these photos
15 were taken?

16 A. I don't remember when these were taken.

17 Q. Okay. What was the purpose of photos, just to
18 show the progress of the salvage?

19 A. Yeah, just to show progress.

20 Q. And then same with photos 9 and 10. These are
21 items that were removed from the vessel or did --

22 A. Yeah -- yes.

23 Q. Okay. Okay. And I'm just scrolling down.

24 Okay. So what I'm looking at now are just some emails
25 that are attached to your report.

1 Q. Okay. So this is January 2, 2022, so by the
2 time you arrived it was already dark; is that correct?

3 A. Yes.

4 Q. Okay.

5 A. I believe so.

6 Q. And in anywhere in your report did you
7 document on January 2, 2022, what the weather
8 conditions were at that time?

9 MR. WASHKOWITZ: I'm gonna object to the
10 form. The report speaks for itself.

11 BY MR. MYHRE:

12 Q. When I say at that time, when you arrived at
13 the wharf.

14 MS. SWENSON: Officer, I can't tell if
15 you're frozen or reading.

16 MR. WASHKOWITZ: Oh, I think we lost him.

17 MS. SWENSON: The record can reflect that
18 Cory Fernandez's Zoom disappeared for a second and now
19 it's back.

20 A. Sorry. Can you hear me?

21 MS. SWENSON: Yes.

22 A. Okay. Sorry. I got like a temperature alert
23 so I had to wait for a little bit, yeah. Go ahead.

24 BY MR. MYHRE:

25 Q. Okay. That's quite all right. Those things

1 you arrived about 7:00 p.m., is it -- was it dark or
2 was it not dark?

3 A. According to my photos it looks dark, but my
4 memory -- I don't remember.

5 Q. Okay.

6 A. But I arrived at 7:25 or 7:25 p.m., I got the
7 call at 7:00.

8 Q. Okay. So you arrived at 7:25, my apologies.
9 So, on January 2, you arrived at 7:25 p.m., it's
10 likely dark out at that time, correct?

11 A. Correct. According to my phone.

12 Q. And so you took photographs, these first four
13 photographs indicate that the -- that it's dark out.
14 You see the -- the sailboat there, and there appears
15 to be some chains or some ropes or something coming
16 from the boat onto the -- the rock jetty, correct?

17 A. Correct. I see it.

18 Q. Okay. And in looking at those photographs,
19 does it appear that the mast of the sailboat is no
20 longer there?

21 MS. SWENSON: Objection. Calls for
22 speculation.

23 But answer if you can, Cory.

24 A. Okay. So your question was if the mast
25 was -- the mast was no longer there?

1 BY MR. MYHRE:

2 Q. Correct.

3 MR. WASHKOWITZ: Join the objection.

4 A. Well, according to my photos, I don't see a
5 mast.

6 BY MR. MYHRE:

7 Q. Okay. Fair enough, and it -- and there was
8 some chains or some ropes up onto the rock jetty and
9 it looks like the boat was secured in some fashion; is
10 that correct?

11 A. Yes.

12 Q. Now, if you could, and I don't want to
13 misstate a time, so when you went to the wharf the
14 second day, on January 5, can you just confirm for me
15 what time it was you arrived at the wharf on that
16 date?

17 MS. SWENSON: Objection. Asked and
18 answered.

19 MR. WASHKOWITZ: Objection. Asked and
20 answered.

21 MR. MYHRE: Well, I never asked and
22 answered the question. I just want to get
23 confirmation of it.

24 MS. SWENSON: Well it counts regardless
25 of which counsel asked, I believe.

1 MR. MYHRE: Well, I think you're wrong.

2 I can clarify to setup a question.

3 BY MR. MYHRE:

4 Q. So what time was it that you arrived there?

5 THE WITNESS: Danica, can I answer?

6 MS. SWENSON: Yeah, if you know.

7 A. Okay. According to my report at approximately
8 0700 hours.

9 BY MR. MYHRE:

10 Q. Okay.

11 MR. MYHRE: And, Jared, if you could flip
12 down to the next page.

13 BY MR. MYHRE:

14 Q. You see a series of photographs there, and
15 with regard to Photograph 5, what were you trying to
16 document with regard to Photograph 5?

17 A. I don't remember. Just debris from the
18 vessel.

19 Q. In looking at Photograph 5 and comparing it to
20 the photographs you took on the evening of
21 January 2nd, it looks like sections of the vessel have
22 been removed; is that correct?

23 A. It looks like it through the photos.

24 Q. And also in Photograph Number 8, that appears
25 to be a photograph of a dumpster with debris in it?

1 A. Correct, that's what it looks like.

2 Q. And what was the purpose of taking that
3 photograph? Was it just to document that the debris
4 had been deposited into a dumpster?

5 A. I don't remember. Probably to some -- to that
6 kind of effect possibly. I don't remember.

7 Q. Okay.

8 MR. MYHRE: And, Jared, if you can go
9 back to the third page of the report. The third page,
10 the third page.

11 MR. WASHKOWITZ: Oh, let me see. 1, 2...

12 BY MR. MYHRE:

13 Q. And if you look at the entry on the bottom of
14 the third page, January 7, 2022, says approximately
15 0830 hours, that's 8:30 a.m., correct?

16 A. Correct.

17 Q. You made a check at the vessel, correct?

18 A. Correct.

19 Q. And, at that point in time, Demarest told you
20 that the majority of the vessel debris was out of the
21 ocean and the only thing in the ocean was the keel and
22 an outboard motor, correct?

23 A. Correct.

24 Q. And just so I understand what you're saying
25 there, the entirety of the boat had been removed and

1 the only thing that was left was the keel and the
2 outboard motor, correct?

3 A. Well, that's not what I'm saying. I mean,
4 that's what Demarest told me.

5 Q. Okay. But that's what you documented
6 Mr. Demarest saying?

7 A. Yes.

8 Q. Okay. Based upon your observations at the
9 scene that day on January 7, 2022, do you have any
10 information that you can recall that would indicate
11 what Mr. Demarest told you on that occasion was not
12 correct?

13 MR. WASHKOWITZ: Object to the form.

14 A. I don't remember.

15 MR. MYHRE: Now, Jared, go down to the
16 third page of photographs.

17 BY MR. MYHRE:

18 Q. If you look at the third page of the
19 photographs, you see photographs 9 and 10, correct?

20 A. Correct.

21 Q. Are you familiar with the place called Lahaina
22 Welding?

23 A. Lahaina Welding?

24 Q. Yes. It's right behind the wharf?

25 A. I'm not familiar. I've heard about it but I'm

1 point it's calm, but I don't know if there's sets
2 coming in, or if it's just a break in sets, so I -- I
3 don't know.

4 BY MR. MYHRE:

5 Q. Okay. All right. On either of the three days
6 that you went out to Mala Wharf, January 2nd,
7 January 5th, or January 7th, did you ever document any
8 damage to any reef, coral, due to the vessel?

9 MR. WASHKOWITZ: Object to the form.
10 Lacks foundation.

11 You can answer.

12 THE WITNESS: I can answer? Okay.

13 A. According to my report, no.

14 BY MR. MYHRE:

15 Q. Okay. Did you ever document any damage caused
16 by the vessel to Mala Wharf?

17 A. No.

18 Q. Okay.

19 A. In the report, no.

20 Q. All right. Those are all the questions that I
21 have for you. Thank you.

22 MR. WASHKOWITZ: I don't have any further
23 questions.

24 MS. SWENSON: I have a few clarifying
25 questions I wanted to go through.